

REMARKS

This responds to the Office Action mailed on November 12, 2008.

Claims 35 and 39 are amended, no additional claims are canceled, and claim 42 is added; as a result, claims 21-35 and 38-42 are now pending in this application.

Applicant submits the amendments and additions to the claims are fully supported by the specification as originally filed, and no new matter has been added.

Interview Summary

Applicant would like to thank Examiner Kesack for the examiner-initiated interviews conducted over October 23rd and 24th of 2008, where the Examiner proposed amendments to independent claim 31 to place the claim in condition for allowance. Applicant's representative, John Fischer, and Examiner Kesack worked together to revise other existing claims and also draft new claims directed to computer-readable medium, means plus function apparatus, and system claims. These claims are substantially included in the present response.

§101 Rejection of the Claims

Claims 35 and 39 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has amended claims 35 and 39 to overcome these rejections. In particular, Applicant has included "computer-implemented" and additional language to clarify and specify the private and public areas as being computer memory locations in claim 35 to tie the method to a particular computer. Moreover, Applicant has amended claim 39 to include a "computer memory location" to provide an express physical element. These amendments are based on the examiner-initiated interviews mentioned above. As such, Applicant respectfully requests reconsideration and withdrawal of the § 101 rejection of these claims.

§112 Rejection of the Claims

Claims 31 and 39 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Applicant has amended claims 31 and 39 to overcome these rejections. Based on the examiner-initiated interviews mentioned above, Applicant submits that the revisions to these

claims, which are now incorporated into the present claims, were acceptable to the examiner and are thus definite and unambiguous. As such, Applicant respectfully requests reconsideration and withdrawal of the § 112 rejection of these claims.

§103 Rejection of the Claims

Claims 21-35, and 38-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lautzenheiser et al. (U.S. 6,351,734; hereinafter “Lautzenheiser”) in view of Their (U.S. 7,130,822).

Concerning independent claims 21, 31, 35, 38, 39, and 40:

Applicant teaches and claims a mechanism for dynamic planning as conditions change, for example, throughout a fiscal year. One mechanism for this dynamic planning includes the use of private and public planning areas. Applicant respectfully submits that these claims specify the independent nature of the public and private areas where spending capacity data and planned expense data are respectively stored. Applicant respectfully submits that neither Lautzenheiser nor Their disclose, teach, or suggest this separation of data storage and working areas.

As admitted by the Office Action at page 6, “Lautzenheiser fails to teach initially storing the planned expense data in a private area, and storing the planned expense data in the public area only when the planned expense data does not exceed the spending capacity data.” The Office Action then proceeds to rely upon Their as assertedly “teaches storing planned expense data in a private area (column 6 lines 41-47), and storing the planned expense data in the public area when the planned expense is approved (column 5 line 62 – column 6 line 5).” Office Action of November 12, 2008 at p. 7.

However, a closer review of Their reveals that the Office Action’s position is unfounded. The Office Action cites to column 6, lines 41-47 of Their. This portion of Their is reproduced herein.

The hierarchy represents the workflow of the corporation and, therefore, is intuitive to the contributors. Furthermore, each contributor has a limited view such that left frame 65 only displays the part of the hierarchal model

38 that relates to the particular contributor. *Because Guy is a high-level executive defined as a reviewer for all five regions, he can view the entire hierarchy.*

(emphasis added). As is clearly stated in the cited portion of Their, while a contributor may have limited view into the hierarchy, a high-level executive (e.g., Guy) can view *the entire hierarchy*. Plainly, the contributor's portion of the hierarchy is not a private area.

Restated, it appears that Their refers to hierarchical-based planning. Further review of other portions of Their, including the text associated with figure 4, do not describe, teach or suggest using separate areas for private and public planning. In fact, reviewing figures 6 and 12 of Their would suggest otherwise. Figure 6 is an illustration of a top-level user who is apparently able to view budget plans of children nodes that have statuses of "Not Started," and "Work in Progress." Their at FIG. 6. There is no discussion in Their that the top-level user, in this example "Guy, the CFO" is prohibited from viewing the budgetary planning of the owners of the child nodes. Therefore, the obvious capability represented in the figure is not countered.

Applicant respectfully submits that because Lautzenheiser and/or Their fail to disclose, teach, or suggest the use of both a private and public planning areas, that Their and/or Heimermann, alone or in combination, do not anticipate or render obvious the claimed subject matter.

Concerning remaining dependent claims:

The remaining dependent claims depend from independent claims 21, 31, and 35 either directly or indirectly, and accordingly incorporate the features of these independent claims. These dependent claims are accordingly believed to be patentable for the reasons stated herein. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims.

New claim 42

Claim 42 has been added in this response. Claim 42 recites subject matter similar to that of independent claim 21, but includes details of how a user may model various scenarios using

multiple expense plans in a private area. Applicant respectfully submits that the claimed subject was is fully supported by the original application and that no new matter has been added.

As discussed above, the currently cited references do not disclose the use of a private planning area, much less using a private planning area to store more than one planned expense plan. Moreover, there is no disclosure of “receiving a selection of one of the plurality of expense plans to provide a selected expense plan,” as recited in claim 42. Therefore, claim 42 is also believed to be allowable.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 371-2134 to facilitate prosecution of this application.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 13, 2009.

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